

**UTAH PROSECUTION COUNCIL MEETING**  
***PROPOSED AGENDA***

Wednesday, October 5, 2016, 8:30 a.m.  
SpringHill Suites by Marriott  
1205 US-40  
Vernal, UT

Pre-meeting Reminder: The meeting is recorded and the equipment is pretty sensitive. It does pick up sidebar conversations.

- I. Welcome to Robert Cosson, newest Council Member
- II. Approval of the minutes from the June 24, 2016 meeting - Steve *Tab A*
- III. UPC Conferences - Bob and Marilyn
  - A. Completed Conferences, *Tab B*
  - B. 2016/17 Conference Schedule, *Tab C*
- IV. Financial Report - Bob
  - A. Surcharge FY17 and Year to Date, *Tab D*
  - B. FY17/Budget Comparison Report, *Tab E*
- V. Training Committee Report - Steve
- VI. UPAA Report - Chris
- VII. Resource Prosecutors Reports
  - A. Donna: *Tab F*
  - B. Tyson: *Tab G*
- VIII. IT Issues: PIMS / Case Management / Webpage - Ron and Bob
  - A. Conference Registration Innovations
  - B. Case Management: RFP
- IX. Status of Funding for Donna's Position
- X. Other Business
- XI. Next meeting: January 2017
- XII. Adjourn

## Director's Summary of UPC Agenda Items

- I. Welcome to Robert Cosson, newest Member of the Council
  - A. Robert was nominated by UMAA to fill the vacancy created by Paul Bittmenn's departure. Paul has been hired as the Cedar City Manager.
  - B. Robert is the chief prosecutor for St. George City.
- II. Approval of the Minutes.
  - A. See the enclosed minutes from the June 24, 2016, meeting. *Tab A*
- III. UPC Conferences - Bob and Marilyn
  - A. Completed Conferences
    - 1. UMPA
      - a. Focused on drug related driving. Brought the TSRP from Colorado to discuss the effects of legalized marijuana and traffic related offenses.
      - b. Great overall comments.
      - c. Jake Summers, prosecutor Orem City, was elected President of UMPA for the next two years.
      - d. Nick Mills, prosecutor Layton City is the president-elect.
      - e. Jake and Nick are in the process of selecting an executive representative that will handle legislative issues, including MISLAC. This is a 4-year appointment.
    - 2. Basic
      - a. Another great year.
      - b. AnnMarie Howard, Chief Deputy, Juab County, was the new faculty member. She did a great job.
      - c. We were able to use several students, including AnnMarie, from this year's Train the Trainer as faculty and presenters. They all did a great job.
      - d. This was a "younger" group of students, in terms of experience, than we've had in the past. Some just weeks out of passing the bar.
      - e. Ronda Woolston, Salt Lake City Prosecutor's office, was this year's "Golden Kickball" recipient. She'll be invited to help plan next year's course as well speak to next year's class, sharing her perspective after a year of prosecuting.
  - B. Upcoming Conferences, *Tab B*
    - 1. Government Civil Practice
      - a. October 19-21, 2016
      - b. St. George, UT
      - c. The agenda's attached.
    - 2. County/District Attorney's Executive Seminar
      - a. November 10-11, 2016
      - b. St. George, UT

- c. Planning committee needs to meet

IV. FY 16/17 Financial Report - Bob

A. Surcharge Report *Tab C*

- 1. Monthly totals since last meeting.
  - a. June 16: \$39,007.86    June 15: \$46,185.27
  - b. July 16: \$41,366.32    July 15: \$42,471.35
  - c. Aug 16: \$41,134.12    Aug 15: \$45,206.29

B. FY17 Budget/Comparison Report, *Tab D*

- 1. Actual carryover is \$102,519. This number was finalized on July 26, 2016. The \$105,900 on the June budget was an estimate.
- 2. The printout does not reflect \$15,000 UPC no longer passing through to CJC for their Symposium. I haven't figured out how to account for that since it was a direct pass through.

C. Reimbursement from SWAP

- 1. Civil Conferences
  - a. Paul Boyden still strongly believes that SWAP should reimburse UPC for the cost of past civil conferences. Because UPC's mandate is to train prosecutors this would not, by definition, include government civil attorneys. SWAP is funded by dues paid by its members. Part of those dues should be used to pay for their training. Paul was unable to attend the last SWAP meeting so this issue was tabled until the next SWAP meeting, which is right after UPC's meeting on October 5, 2016.
  - b. Until a decision is made, I have removed any projected reimbursement from SWAP from the budget for past conferences.
  - c. However, UPC will bill SWAP for the cost of this year's Civil Conference.
- 2. County Executive
  - a. FYI, in preparing to print the budget, I found a "hidden" entry for reimbursement from SWAP for the County Executive conference.

V. Training Committee Report - Steve Garside

- A. Training Committee scheduled to meet October 17, 18, 2017.
- B. Any suggestions for training topics or speakers, please forward them to me, Marliyn, Steve Garside or Marianne O'Bryant.

VI. UPAA Report - Chris Stevens

- A. Report on UPAA's conference.
- B. The search for two new board members - city and county representative, was successful.
- C. CUPA Test
  - 1. A shortened version of the test will be administered during the County Executive's Conference.
  - 2. This will give County Attorneys an idea of just what is contained on the

exam and what your certified office personnel are required to know.

VII. Resource Prosecutors Reports

- A. Donna, *Tab F*
- B. Tyson: *Tab G*

VIII. IT Issues: PIMS / Case Management / Webpage

- A. Bar code scanners for conference registration.
  - 1. Used for the first time at UPAA.
  - 2. Person assigned individual QR code.
  - 3. When the person registers for a conference an e-mail is sent with the QR code.
  - 4. When the person arrives at the conference, they'll scan the QR code to register their attendance.
- B. Conference App
  - 1. We're looking at an App service that will put the conference agenda, materials, speaker bios, etc. into a single app. We may have a test product ready for Fall Conference.
- C. Case Management
  - 1. I am several drafts into drafting a final RFP, having received feedback on previous drafts from state purchasing, state DTS and the CCJJ grant manager.
  - 2. Originally I was drafting the RFP with the intent to purchase a system that would allow users of the system to have read-only access to each other's databases. This is what was discussed and proposed to Rep Hutchings when a small group of us met with him last year. In theory this idea has benefits but it would require every user to grant read-only access to each other. Whether that would actually happen in reality was another issue. Because my first draft of the RFP made that a non-negotiable option I had to go back and make those changes.
    - a. Granting such access to each other would also require a cloud based product so I hadn't included pricing for hosting the product on individual servers. Had to make changes asking for cloud based and server based pricing.
  - 3. With \$500,000 to spend I envisioned that UPC would enter into a contract for the purchase of the system only, but somehow negotiate a 5 year price-fixed contract that individual jurisdictions could take advantage of. This would require the winning bidder to enter into individual contracts with each participating jurisdiction. The contract would indicate that UPC was only responsible for the first \$500,000 and each participating jurisdiction was responsible for ongoing costs.
  - 4. Coming up with the criteria and the formula for scoring each product has been a challenge. I thought I had a workable product but then the AG's office completed their RFP process and shared with me the challenges they

faced, primarily in terms of problems with their scoring system.

- a. The AG's original scoring system weighted very heavily the first year costs compared with second and subsequent year ongoing costs.
    - (1) Journal Technology's pricing plan does not assess costs until the product is installed and up and running. Consequently this made Journal Technology's first year costs negligible.
      - (a) This resulted in a very high score on costs.
    - (2) However the costs beginning year two were quite high.
      - (a) The AG's office scoring system did not account for this factor.
  - b. Other bidders first year costs were higher resulting in lower scores.
    - (1) Ongoing costs though were much lower.
  - c. The AG's office recognized this problem. While Journal technologies received a higher score, when averaged together, the total costs were much higher than the other bidders. The AG's office then asked for "best and final offers" from all bidders.
    - (1) When the dust settled it turned out that Journal technologies total expenses were substantially higher than other bidders despite having the initial highest score in terms of cost.
    - (2) Journal Technologies did not win the bid.
  - d. Therefore I'm having to adjust my scoring sheet to reflect total cost v. first year cost.
5. I'm hoping this will not present a new challenge.
- a. The grant is only \$500,000. I was hoping that amount would come close to covering the first year costs for everyone who wanted the system. If it didn't it would be expected that everyone wanting the system would make up the difference in costs.
    - (1) I was drafting the RFP, asking bidders to indicate what ongoing costs would be for the second and subsequent years of the contract.
    - (2) I asked for costs based on number of users; i.e. 1-100, 101-150, 151-200, etc.
  - b. In drafting the RFP with a "best and final offer" number in mind I'm using the same criteria in terms of numbers of users; 1-100 users, 101-150, 151-200, etc.
  - c. I'm hoping that a contract under a "best and final offer" will work the same as I envisioned, UPC paying the first \$500,000, and each jurisdiction covering the remaining costs.
6. Cloud v. Server Based
- a. Costs can be significant depending on which system is used.
  - b. If it turns out that an individual server based system is cheaper then cloud based, or there's a reason to go server based, each jurisdiction will have to have or purchase a server sufficient to run the program and store the data. Does this become an "unfunded mandate" for

local jurisdictions that do not already have a server adequate to meet the CMS needs? I won't know the answer to that question until we get responses on the RFP.

- (1) Ron obviously cannot maintain or service individual servers. Local jurisdictions need to be prepared for that if this becomes the option.
- c. The original RFP disclosed UPC only had \$500,000 to spend and that the money would go towards the initial purchase. Now that I will be asking for a best and final offer for the total term of the contract (currently at 5 years), no offer will come in at \$500,000.
  - (1) The final contract will have to state that UPC is only liable for \$500,000 and each jurisdiction is responsible for everything beyond that.
  - (2) Who is going to negotiate and draft UPC's contract? I am not as I would be committing malpractice.
  - (3) I cannot negotiate and draft contracts for each jurisdiction.
  - (4) This now means the company is going to have to enter into negotiations and enter into separate contracts with each jurisdiction.
  - (5) This all has to be reflected in the RFP.
7. Current version of minimum primary requirements as stated in the RFP. The product must meet each of these requirements in order to be considered a valid proposal.
  - a. Ability for users to easily created a variety of templates for use in document generation.
  - b. Ability for users and administrators to easily create a wide variety of dynamic system and management reports.
  - c. Ability for users and administrators to easily create automated electronic work flows to implement a paperless office environment.
  - d. Ability of system to electronically interface with multiple law enforcement and other external criminal justice entities.
    - (1) I identified the following programs currently being used by prosecutor offices:
      - (a) PIMS
      - (b) Word
      - (c) WordPerfect
      - (d) Prosecutor Assistant
      - (e) Internally created programs.
    - (2) I identified the following reporting management systems being used by law enforcement offices:
      - (a) SPILLMAN
      - (b) FATPOT
      - (c) Versadex
      - (d) O-Track/UCDOA
      - (e) Versaterm

- e. Ability for users to electronically file criminal legal documents with the District and Justice Courts and automatically update CMS with case information that is electronically transferred from the courts.
  - f. Cloud-based system must have sufficient internal document storage capacity to avoid the need to utilize a separate document storage system.
  - g. System must meet data protection, data access control, and data redundancy and security standards that comply with federal and state law.
8. Secondary Requirements
- a. The system must be able to, or within six months of the date of this RFP, interface with the CORIS system.
9. Primary Functionality.
- a. There are 422 listed tasks the CMS should be able to do. There is no requirement that the product meet each one but total scoring will be based on the ability to meet these tasks.
    - (1) This is based on Salt Lake County's RFP. I simply deleted tasks that did not apply to prosecutor offices from their RFP.
10. I am modifying the checklists, scoring sheets and other attachments to reflect these changes.
11. Evaluation Committee
- a. This group needs to be identified. These will be the people who will be responsible for evaluating all bids, sitting through the product demonstration, scoring each product and making a recommendation.
  - b. I would suggest that the committee include at least 2 or more assistants/paralegals that will be using this system. It should also include at least 1 IT person. County and city prosecutors can make up the remainder of the committee.
  - c. Product demonstration. The AG's office scheduled three hours for each vendor. One hour for product demonstration. One hour for Q&A with the vendor. One hour for the committee to meet in private to discuss the product. If we allow for this much time, committee members must be available for several days.
12. Why is this process taking so long? As a Council Member I'd want to know the answer to this question so let me share, not as an excuse, but as an explanation, my response to that question.
- a. Other jurisdictions that have gone through the RFP process have had more than one person working on their project. I am the only one in UPC working this project.
    - (1) The AG's office had a full-time attorney and the IT director focusing the majority of their time getting their RFP out as well as several subcommittees working on it.
    - (2) Salt Lake County had more than one person working the issue, and I would imagine, several.
  - b. The following is a list of conferences, training and other events since the first draft of the RFP was submitted and received back from state purchasing in April, that have required my time.
    - (1) Spring Conference
    - (2) Regional Legislative Updates

- (a) Last two weeks of April, three weeks of May and one week in June I was out of the office training.
- (3) CJC Symposium
- (4) UPA
- (5) National Association of Prosecutor Coordinator Conference
- (6) UMPA planning meeting and conference
- (7) Basic planning meeting and conference
- (8) One full week of military duty with 5 additional days spread out.
- (9) 3 days vacation
- (10) Waiting for feedback on drafts from multiple individuals.
- (11) Processing the John R. Justice Grant
  - (a) Sending out and accepting applications, getting the review committee together, complying with substantial DOJ requirements, reports, etc.
- (12) Various sundry meetings, GRAMA request, day to day responsibilities, etc.
- c. Multiple drafts of the RFP have been created and edited. I'm hoping this will be the last draft.
- d. I truly have not been dragging my heels I've just had other projects demanding my time as well.

#### IX. Funding Donna's Salary

- A. Due to a clerical error at CCJJ one of the two grants that is used to fund the majority of Donna's salary was not renewed and expired on September 30, 2016. Donna is funded by two Violence Against Women grants. One focuses on sexual violence issues (VAWA/SV), the other, domestic violence issues (VAWA/DV). It is the sexual assault grant that expires September 30<sup>th</sup>.
- B. The VAWA/SV grant covers approximately 60% of Donna's salary and benefits. The VAWA/DV grant has historically covered 20% of her salary and benefits with UPC being required to provide a matching 20%.
- C. Since July Ned Searle at CCJJ, has assured me that money would be found to continue to fund Donna. I've asked Ned a couple times for written assurances but he hasn't given me anything.
- D. Excluding September's numbers, there is a remaining balance of \$47,430.16 in the VAWA/SV grant. Ned has filed an extension on this grant through the end of the year. The VAWA/DV grant expires December 31, 2016 and has a remaining balance of \$15,691.23. Between the two grants and the portion of Donna's salary that UPC funds, we should be able to pay Donna through the end of the year.
- E. Ned believes that he/CCJJ can go to the legislature in January 2017 to secure additional funding for Donna's salary. While he may be successful I cannot wait until then to ensure I have adequate funding to keep Donna.
- F. I've taken three steps to try to find funding for Donna. Only the first one will provide an immediate but small amount of funds.
  - 1. \$15,000 to CJC Symposium. In the past UPC passed through funds for the symposium to CJC. It was intended that the symposium be a source of DV training for prosecutors. I've informed Tracey Tabet, CJC Director, that UPC would no longer be able to provide those funds.
  - 2. Victims of Crime Act (VOCA) grant. I spoke with Gary Scheller,



Director, Crime Victims Reparations, in the Governor's office about seeking a grant. He directed me to the program manager over VOCA, Christine Watters. She informed me that VOCA funds can only be used to fund direct victim services. Because Donna and UPC do not provide direct victim services, we would not be eligible for a VOCA grant.

3. U.C.A. 51-9-406. This is the section of state code that apportions the surcharge. The statute reads:
  - (1) There is created a restricted account in the General Fund known as the Victims of Domestic Violence Services Account.
  - (2) (a) The Division of Finance shall allocate to the Victims of Domestic Violence Services Account from the collected surcharge established in Section 51-9-401:
    - (i) 4% for the Division for Domestic Violence Services, but not to exceed the amount appropriated by the Legislature; and
    - (ii) .5% *for the Office of the Attorney General*, but not to exceed the amount appropriated by the Legislature.
  - (b) The attorney general *shall use* the allocation for *training municipal and county attorneys in the prosecution of domestic violence offenses*. Emphasis added.

I've written a letter to Spencer Austin, Chief Criminal Deputy, Attorney General's office. I've explained the possible lack of funding situation UPC is facing in terms of Donna's salary. I've asked him to look at the statute and see if there is anyway these surcharge funds can be used to fund Donna's salary. It's been explained to me that due to the inability to transfer funds between line items in the AG's budget these funds cannot simply be transferred to UPC's budget. Therefore, I believe the only way this can happen is if the language of the statute is changed. At the end of FY16 the AG's office was provided \$78,300 from the surcharge to be used to train municipal and county attorneys in the prosecution of domestic violence. I'll keep the Council informed of any response from the AG's office.

4. I will work with Ned, hoping he'll find the money somewhere.

X. Other Business

XI. Next Meeting: January \_\_\_, 2017

XII. Adjourn: SWAP Next

*Tab A*

**UTAH PROSECUTION COUNCIL**

**Friday, June 24, 2016**

**Park City Marriott**

**1895 Sidewinder Drive**

**Park City, Utah**

**PENDING MINUTES**

UPC : Steven Garside, Chair, Layton City Attorney  
Barry Huntington, Chair-elect, Garfield County Attorney  
Paul Bittmenn, Cedar City Attorney  
Jann Farris, Morgan County Attorney  
Stephen Foote, Duchesne County Attorney  
Sim Gill, Salt Lake District Attorney  
Scott Sweat, Wasatch County Attorney  
Christine Stevens, UPAA Chair, Millard County Attorney's Office

EXCUSED: Sean Reyes, Utah Attorney General  
Commissioner Lance Davenport, Utah Department of Public Safety

UPC Bob Church, Director  
STAFF: Marilyn Jasperson, Training Coordinator  
Donna Kelly, Staff Attorney  
Tyson Skeen, Staff Attorney  
Ronald Weight, IT Director

GUESTS: Brock Belnap, Washington County Attorney  
Jeff Buhman, Utah County Attorney  
Wade Faraway, Assistant Attorney General  
Greg Ferbrache, Justice Division Director, Utah Attorney General  
Darcy Goddard, Deputy Salt Lake County District Attorney  
Will Carlson, Deputy Salt Lake County District Attorney  
Jason Sant, Spanish Fork City Attorney  
Robert Van Dyke, Kane County Attorney

**I. WELCOME. MEMORIES OF CHAD**

- A. The Council members were welcomed and the meeting convened.
- B. Fond memories were expressed in behalf of Chad Platt who passed away recently.

**II. APPROVAL OF THE JANUARY 8, 2016 MEETING MINUTES**

- A. Jann Farris moved to approve the minutes from April 13, 2016, seconded by Paul Bittmenn. The motion passed unanimously.

### **III. REPORT FROM MATT LLOYD, COUNCIL REPRESENTATIVE ON STATE BAR CRIMINAL LAW SECTION**

Bob Church gave the following report as Matt was excused. Bob reported that Matt and Tegan Troutner, AAG presented an ethics training at the Bar on "Social Media Pitfalls." The CLE was presented by the Criminal Law Section. Clayton Sims co-presented and gave the criminal defense perspective. After the training elections were held. Joel Kittrell was voted in as the Chair, and John Gunderson, Defense Attorney, as Vice Chair. Also, Mike Bohem, SLDA's Office was made a member of the committee. There was a new member of the committee assigned to work on CLE. Colleen McGee, past Chair, expressed thanks to UPC for Matt's appointment. Bob indicated that he was not aware that UPC should track this appointment, but will watch it more closely in the future. Bob encouraged anyone who would like to submit scholarly articles to the Utah Journal of Criminal Law are welcome to do so.

### **IV. UPC CONFERENCES**

#### **A. Completed Conferences**

Bob Church gave an in depth report on the following completed conferences. Please refer to the Director's Summary for details.

1. Regional Legislative Updates
  - a. Was well received. Over 300 officers attended.
  - b. Greg Ferbrache and others from the AG's Justice Division was a new addition to the training. They discussed the various task forces in the AG's office and other services they can provide. They mentioned the VIRTRA trainer. We plan to have them come every year.
2. CJC/DV Conference
  - a. Held May 16-18, 2016
  - b. Great attendance from prosecutors. Great reviews asking for the same prosecutor track next year.
  - c. Keynote speakers were almost all suggested by Donna/UPC.
3. UPAA Conference
  - a. June 22-24, 2016, Park City Marriott
  - b. This conference concluded just an hour before the Council meeting. Please refer to VII below for the full UPAA report.

#### **B. 2016 Conference Schedule**

In addition to the UPC 2016 Training Schedule the following was mentioned:

1. UMPA Summer Conference - August 4-5, 2016, Ruby's Inn. The focus will be on drug related driving and will be discussing the effects of legalized marijuana and traffic related offenses. There will be some UMPA business matters addressed (i.e., new UMPA By-Laws, election of President, President Elect and Executive Representative and more involvement in MIS-LAC.)
2. Basic Prosecutor Course - August 15-19, 2016, University Inn, Logan, Utah  
Draft agenda has been set. AnnMarie Howard has been invited to be part of the full time faculty. She replaces Matt Bates. AnnMarie is a recent graduate of Train the Trainer. There will also be other graduates from Train the Train to start teaching at the course.
3. Fall Prosecutor Training Course - October 5-7, 2016, Uintah Conference Center, Logan, Utah featuring Creighton Horton! The title or theme of the conference is mental issues, "Magical Mystery Tour: What Happens When Your Case Involves Mental Health Issues."  
Draft agenda has been set.
4. Government Civil Practice Conference - October 19-21, 2016, St. George Hilton Garden Inn.

- Draft agenda has been set.
- 5 County/District Attorney's Executive Seminar - November 10-11, 2016,  
Dixie Center, St. George, Utah

## V. FINANCIAL REPORT

Bob Church made the following financial report. Additional information is included in the Director's Summary.

### A. Surcharge Report:

The surcharge report includes receipts through to May 2016. Below are the monthly totals since the last meeting.

- |    |                     |                     |
|----|---------------------|---------------------|
| 1. | Mar 16: \$53,799.07 | Mar 15: \$52,186.65 |
| 2. | Apr 16: \$48,853.94 | Apr 15: \$57,988.06 |
| 3. | May 16: \$55,338.18 | May 15: \$49,032.16 |

### B. FY16 Budget/Comparison Report:

1. Final grant reimbursement numbers for Donna's and Tyson's salaries and grants will be available until July.
2. Conference registration and PIMS fees continue to come in.

### C. Proposed FY17 Budget

1. Reimbursement from SWAP
  - a. Several years ago SWAP had agreed to reimburse UPC for the costs of Civil Conference. Paul Boyden approached Bob and proposed reimbursing UPC \$42,437.40 for the last five years conferences. UPC has not sought or asked for reimbursed since taking over the coordination of this conference. After a lengthy discussion, it was decided to table this item and forward it to SWAP for their full consideration and response.
3. Non-lapsing Carryover - \$50,000
  - a. This is only a projection based on the past four years.
4. PIMS Income
  - a. The following is how Bob determined the amount:
    - (1) He subtracted those agencies who have already gone to a third party vendor from the list of PIMS users. That would mean UPC would receive approximately \$20,000 in PIMS income.
    - (2) Bob planned for UPC having its own case management system sometime in the next fiscal year.
    - (3) Not everyone will come on board during the next fiscal year, simply due to the amount of time it takes to install the software and work out the bugs.
    - (4) Therefore, Bob projected that our PIMS income would be reduced by half next year and accounted for PIMS income of \$10,000.00.
5. \$105,190.00 carry over.
  - a. Bob didn't show this as income on the first comparison report sent out last week. With this additional income UPC is in a good position financially.

Stephen Foote made the motion to approve the proposed FY17 Budget. Barry Huntington seconded. The motion carried unanimously.

## **VI. TRAINING COMMITTEE REPORT**

Steve Garside, UPC Training Committee Chair gave the following report.

The committee's next meeting will be October 17-18, 2016. They meet bi-annually, typically, in March and October.

### **A. New Presenters**

1. Steve reported that with Laura Dupaix retiring and Matt Bates taking the bench there is the need to find new presenters. The following individuals were suggested as possible presenters for Spring Conference.
  - a. Ryan Tenney, formerly from the AG's office, now at the U.S. Attorney's office, Blair Wardle with the Box Elder County Attorney's office and Peter Leavitt with SLDA's office.
  - b. John Nielsen, AG's office, has agreed to present the Supreme Court case update at Fall Conference.
6. Will Carlson was introduced. He will be Chad Platt's replacement for the legislative update. Welcome Will.

## **VII. UPAA**

Christine Stevens gave the following UPAA report.

- A. The UPAA conference concluded just an hour before the council meeting.
- B. It was a banner year with 101 in attendance. By all accounts, it was very well received.
- C. Twelve individuals took the CUPA exam. Results on how many passed the exam will be reported at the next Council meeting. The question was asked if the test could be viewed by the bosses. In order to keep the integrity, confidentiality of the test and the scores private of those who take the test, the Board has made it a practice not to release the test or test results. However, to give the bosses a sample of what is on the test a compressed exam will be made available at the County Executive meeting in November. County attorneys will have the opportunity to test their knowledge on criminal and civil questions.
- D. There are two board positions available. Chris will report on those replacements at the next meeting.

## **VIII. RESOURCE PROSECUTORS REPORTS**

- A. Donna Kelly referred the Council to the in depth SA/DVRP report as outlined in the handouts.
- B. Tyson Skeen referred the Council to the in depth TSRP report as outlined in the handouts.

## **IX. IT ISSUES: PIMS/CASE MANAGEMENT/WEB PAGE**

In addition to the in depth report in the Director's Summary, Ronald Weight and Bob Church gave the following PIMS report.

- A. Bar code scanners for conference registration.
  1. Ron has developed a way to create bar codes for individual attendees to scan when they attend a conference. UPAA was the first conference to try out the new feature.
- B. Case Management
  1. Received a 12-month extension through August 31, 2017.
  2. RFP Process
    - a. Met with State Purchasing and got their feedback on the RFP. Bob started making the changes but was interrupted with the legislative updates.

- b. It is hoped to have the changes made, submitted and back from Purchasing by the end of July, early August.
- c. Will issue the RFP after that.

C. PIMS

- 1. Bob anticipates at least one more year of PIMS billing. Once a contract is entered into for a CMS it will take time to get it installed across the state.

**X. UPPAC**

Nothing new to report. Bob invited questions. Hearing none, he moved to the next item.

**XI. JOHN R. JUSTICE GRANT**

Bob Church made the following report.

- A. The application process closed for this year's grant. DOJ's matching requirement does not go into effect until after next year's grant. This means two more years of JRJ.

**XII. OTHER BUSINESS**

- A. Berkovich GRAMA Request

This item was moved to the Closed Door Meeting under IX.

- B. UPC's Statute

Bob Church gave an in depth report on this item. Please refer to the Director's Summary for details. Bob will, however, update the Council at the next meeting on the out come of the survey. He will know more if it will be economically possible for UPC to become its own entity, relocate and whether to change the language in the statute from public attorneys to prosecutors.

- C. Sexual Assault Kit Initiative (SAKI) Training Prosecutor

Bob Church gave an in depth report on this item. Please refer to the Director's Summary for details. In summary, CCJJ received a grant for a 3/4 time person. This person would develop a victim center approach in investigating, prosecuting and notifying victims of cold case sexual assault cases within Salt Lake County. On June 6<sup>th</sup>, Bob, Greg Ferbrache, Ned Searle and April Ensign met to discuss the position and the apparent challenges. Greg Ferbrache suggested that it might be a better fit if this person was housed with Heidi Nestel at the Utah Crime Victims Legal Clinic. April and Ned were assigned to approach Heidi. Bob will report the findings at the next meeting.

**IX. CLOSED DOOR MEETING**

Barry Huntington made the motion to go into an Executive Session. Scott Sweat seconded the motion and the motion passed unanimously. The Council went into closed door session.

**X. NEXT MEETING**

In conjunction with the Fall Prosecutor's Training Conference.

Wednesday, October 5, 2016

8:30 a.m.

SpringHill Suites by Marriott

1205 West Highway 40

Vernal, Utah

**XI. ADJOURN**

***Tab B***



# Utah Prosecution Council

## Net Cost of Conference

### UMPA

	UMPA Summer Conf (Conferences)	Total Conferences	TOTAL
Income			
CONFERENCE REGISTRATION FEES			
Spring Conference	75.00	75.00	75.00
UMPA	2,700.00	2,700.00	2,700.00
Total CONFERENCE REGISTRATION FEES	2,775.00	2,775.00	2,775.00
Total Income	2,775.00	2,775.00	2,775.00
Expense			
Conferences			
UMPA Summer Conf			
audio-visual	39.99	39.99	39.99
catering	2,050.00	2,050.00	2,050.00
lodging	2,220.75	2,220.75	2,220.75
meals	551.00	551.00	551.00
mileage	2,404.16	2,404.16	2,404.16
miscellaneous	106.07	106.07	106.07
printing	236.68	236.68	236.68
Total UMPA Summer Conf	7,608.65	7,608.65	7,608.65
Total Conferences	7,608.65	7,608.65	7,608.65
Total Expense	7,608.65	7,608.65	7,608.65
Net Income	-4,833.65	-4,833.65	-4,833.65

# Utah Prosecution Council

## Net Cost of Conference

### Basic Prosecutor Course

	Basic Prosecutor Course (Conferences)	Total Conferences	TOTAL
<b>Income</b>			
CONFERENCE REGISTRATION FEES			
Basic Prosecutor	975.00	975.00	975.00
<b>Total CONFERENCE REGISTRATION FEES</b>	<b>975.00</b>	<b>975.00</b>	<b>975.00</b>
<b>Total Income</b>	<b>975.00</b>	<b>975.00</b>	<b>975.00</b>
<b>Expense</b>			
Conferences			
Advanced Trial Skills Training			
catering	163.67	163.67	163.67
mileage	41.38	41.38	41.38
<b>Total Advanced Trial Skills Training</b>	<b>205.05</b>	<b>205.05</b>	<b>205.05</b>
Basic Prosecutor Course			
catering	1,988.13	1,988.13	1,988.13
meals	1,445.70	1,445.70	1,445.70
mileage	1,939.71	1,939.71	1,939.71
printing	236.68	236.68	236.68
<b>Total Basic Prosecutor Course</b>	<b>5,610.22</b>	<b>5,610.22</b>	<b>5,610.22</b>
<b>Total Conferences</b>	<b>5,815.27</b>	<b>5,815.27</b>	<b>5,815.27</b>
<b>Total Expense</b>	<b>5,815.27</b>	<b>5,815.27</b>	<b>5,815.27</b>
<b>Net Income</b>	<b>-4,840.27</b>	<b>-4,840.27</b>	<b>-4,840.27</b>

*Tab C*

Utah Prosecution Council  
Fall Prosecutors Training Conference

*“Magical Mystery Tour:  
What Happens When Your Case Involves  
Mental Health Issues”*

*October 5 - 7, 2016*

Conference Location  
Uintah Conference Center  
313 E. 200 S.  
Vernal, Utah

Wednesday, October 5<sup>th</sup>

8:30 Utah Prosecution Council Meeting, Springhill Suites by Marriott, 1205 US-40, Vernal, UT  
10:30 SWAP Board Meeting, Springhill Suites by Marriott, 1205 US-40, Vernal, UT

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CONFERENCE BEGINS

12:30 Registration Desk Open  
Office Displays

1:00 Welcome and Administrative  
~ Robert Church, Director, Utah Prosecution Council

1:10 Competency to Stand Trial  
~ Creighton Horton, Retired Utah Prosecutor

2:10 Break

2:20 Mental Defenses  
~ Creighton Horton, Retired Utah Prosecutor

3:20 Break

- 3:30            The Nexus Between Mental Health and the Law  
                  ~ Nancy B. Cohn, Ph.D., Forensic Psychologist
- 4:30            Adjourn
- 5:15            Shooting Competition Sponsored by the Uintah County Attorney and Uintah County Sheriff's  
                  Offices  
                  ~ Conference Participants Only, Family Members Invited to Watch and Cheer
- TBD            Barbecue Sponsored by the Uintah County Attorney and Uintah County Sheriff's Office  
                  ~ Family Members Welcome

Thursday, October 6<sup>th</sup>

- 8:00            Registration Desk Open  
                  Office Displays
- 8:30            How to Cross-Examine Defense Experts  
                  ~ Creighton Horton, Retired Utah Prosecutor  
                  ~ Nancy B. Cohn, Ph.D., Forensic Psychologist
- 9:30            Break
- 9:40            Extreme Emotional Distress  
                  ~ Fred Burmester, Deputy Salt Lake County District Attorney
- 10:40           Break
- 10:50           A Practical Approach to Obtaining Restitution Orders  
                  ~ Clifford C. Ross, Deputy Salt Lake County District Attorney
- 11:50           Lunch - on your own
- 1:20            The Anatomy of a Mass Homicide Prosecution: The Aurora Theater Shooting Case  
                  ~ George Brauchler, District Attorney, 18<sup>th</sup> Judicial District Attorney's Office
- 3:20            Break
- 3:30            Electronic Searches and Warrants and the 4<sup>th</sup> Amendment  
                  ~ Jeff Gray, Search & Seizure Director, Criminal Appeals Division
- 4:30            Eye Witness - New Case Law/Cautionary Instruction  
                  ~ Fred Burmester, Deputy Salt Lake County District Attorney  
                  ~ Clint Heiner, Deputy Salt Lake County District Attorney
- 5:30            Adjourn

Friday, October 7<sup>th</sup>

- 8:00            Registration Desk Open  
                 Office Displays
- 8:30            CJC's: What Are They? A Practical Approach to Working With Them and How to Have a  
                 Successful Program in Your Jurisdiction  
                 ~ Tracey Tabet, Administrator, Utah Children's Justice Center Program  
                 ~ Brody Keisel, Sanpete County Attorney  
                 ~ Troy Rawlings, Davis County Attorney
- 9:30            Break
- 9:40            SCOTUS Update  
                 ~ John Nielsen, Assistant Solicitor General
- 10:40          Break
- 10:50          The Civil Prosecutor (1 hour of Civility Credit)  
                 ~ Creighton Horton, Retired Utah Prosecutor
- 11:50          Adjourn

# Government Civil Practice Conference

October 19 - 21, 2016  
Hilton Garden Inn  
1731 S. Convention Center Drive  
St. George, Utah

## Agenda

### WEDNESDAY, OCTOBER 19<sup>TH</sup>:

11:45 Registration Desk Open

12:15 Welcome and Administration

#### UTAH COUNTIES INDEMNITY POOL BLOCK

12:30 Data Breaches - Cyber Security, HIPAA and Related Issues  
~ Valerie Wilde - Deputy Salt Lake County District Attorney  
*This presentation covers Salt Lake County's experience with a data breach, an overview of insurance coverage options, protecting data and recovering from an event.*

1:30 Break

1:40 Body Camera Use Policies & Procedures  
~ Clint Anderson - Chief Deputy, Weber County Sheriff's Office  
*This presentation will provide a review of the policies and procedures developed by the Utah Sheriff's Association related to the use of body cameras by law enforcement agencies.*

2:40 Break

2:50 The In's and Out's of Internal Investigations  
~ Jami Braekin - Deputy Summit County Attorney  
*A basic primer on conducting internal investigations into violations of policy and managing the conflicts when criminal investigations are also involved.*

3:50 Break

4:00 The Utah Open and Public Meetings Act: Ensuring Open Deliberations and Decisions  
~ Eric Clarke - Lead Civil Attorney, Washington County Attorney's Office  
*A discussion of the policy supporting and requirements of Utah's open meetings law, the exceptions to the law, and the common areas of concern that arise in advising public bodies.*

5:00 Adjourn

THURSDAY, OCTOBER 20<sup>th</sup>:

7:50 Registration Desk Open

8:20 Welcome

8:30 What You Do Matters: Lessons from the Holocaust

~ Jason Kalish - Bureau Chief, Training and Development, Maricopa County Attorney's Office

*Each of you plays a key role in ensuring that crime victims are treated fairly and that justice is sought on their behalf. Every day you make split second decisions that may impact someone's life. What You Do Matters: Lessons From The Holocaust is about how important those everyday decisions we make are, and how it is imperative that we avoid even the smallest deviation from our core values, as that can lead us down a very slippery slope. The presentation begins with the period in German history when Hitler was first appointed Chancellor – a time when the German police were focusing on regular police duties. We then look at the progression over the next nine years as Hitler rises to power and becomes dictator – and the police go down a slippery slope and morph from protectors of the people to enforcers of Nazi ideology. We discuss personal responsibility, about the importance of making the right choice, each and every day, even when there may be pressure for you to conform to behavior that you know in your heart is wrong. We will learn about Holocaust survivor Gerda Weissman Klein – her incredible tale of not only surviving but also devoting her life to sharing the lessons from the Holocaust. Gerda has proclaimed all of you "Guardians of Freedom," as you are the ultimate defenders and protectors of our rights and freedoms. You insure that our victims are treated fairly. You help seek justice. You are a Guardian of Freedom.*

10:00 Break

10:10 GRAMA/Discovery

~ Darcy Goddard - Chief Policy Advisor, Deputy Salt Lake County District Attorney  
*Interaction between GRAMA and the discovery process. Suggestions to curtail abuses and finding solutions to complex document requests.*

11:10 Break/Activity

11:30 2 Ted Talks:

1) Cognitive Dissonance in Negotiations: Turning a Fox into a Friend

~ Bradley C. Johnson - Deputy Salt Lake County District Attorney

*Cognitive dissonance in negotiations often hardens positions and makes compromise more difficult. This presentation will discuss ways in which cognitive dissonance can be used to further negotiation goals rather than hamper them.*

2) Effective Mediation

~ Robert Hilder - Summit County Attorney

*A 15 minute TED style presentation on effective mediation strategies and pitfalls.*

12:00 Luncheon Presentation - Lunch Provided

"Utah's Indigent Defense - The Shifting Winds of Change"

UIC Commissioner - Deputy Attorney David Wilson,  
Weber County Attorney's Office

UIC Executive Director

Litigation Update - Deputy Attorney Eric Clark,

Washington County Attorney's Office

*Panel Discussion*



1:30 Public Protests  
~ Darcy Goddard - Chief Policy Advisor, Deputy Salt Lake County District Attorney  
*Responding to public protests, permit processes, electioneering (in-house and outside), and related situations.*

2:30 Break

2:40 2 Tzd Talks:

1) Why Do We Ask Questions? An Inquisition Into Our Inquisitive Queries

~ Steve Garside, Assistant Layton City Attorney  
*While our tendency is to approach inquiries with specific topics and precise questions, developing a broad based approach to investigatory questioning will add a beneficial, alternative yet complementary arrow to your quiver.*

2) Inherent Biases

~ Valerie Wilde - Deputy Salt Lake District Attorney  
*A focused overview of a new research related to inherent bias in everyday decision making and the benefit awareness.*

### Part of the UTAH COUNTIES INDEMNITY POOL BLOCK

3:10 Short Term Rentals (Air B & B) and Related Issues  
~ Jodi Hoffman - Land Use Specialist, Utah League of Cities and Towns  
*This presentation will focus on the issues related to short term rentals, examples of how some municipalities have dealt with this issue, and address some of the dos and don'ts of regulating short term rentals.*

4:10 Adjourn

### FRIDAY, OCTOBER 21<sup>st</sup>:

8:00 Registration Desk Open

8:15 Business Meeting

8:30 Ordinance vs. Resolution vs. Policy

~ Dave Thomas - Chief Civil Deputy Summit County Attorney  
*Policies, Resolutions and Ordinances: A Primer*

9:30 Break

9:40 Historic Roads: Utah's Public Dedication Statute and Practical Application

~ Bryan Johansen - Shareholder at Parr Brown Gee & Loveless PC  
*This presentation will provide an introduction to Utah statutes and law regarding the dedication to the public of historic roads through use, how Utah's public dedication through use statutes have been interpreted by Utah Courts, and examples of cases concerning public dedication, evidence presented, and outcomes.*

10:40 Break

10:50      Who's Your Client? Conflicts with Other Governmental Agencies - Ethics  
             ~ Gavin Anderson - Deputy Salt Lake County District Attorney  
             *Do government attorneys even have clients and, if so, does that mean I have to talk to them? Chart the sometimes convoluted course of client communications and distinguishing one potential client from another, including districts, RDAs and inter-local entities.*

11:50      Adjourn

#### NOTE OF APPRECIATION

Utah Prosecution Council and the Statewide Association of Public Attorneys express deep appreciation to the Utah Counties Indemnity Pool and the Utah Association of Counties for the financial assistance provided by them in the planning and presentation of the 2016 Government Civil Practice Conference. The professional and knowledgeable staffs of these organizations bring important expertise and experience to the conference planning process and to the presentations of the conference agenda. Their financial assistance enables UPC to stretch its training budget. Thank you UCIP and UAC.

***Tab D***



*Tab E*

# Utah Prosecution Council Comparison Report - Budget vs. Actual July 2016 through June 2017

	Jul '16 - Jun 17	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
<b>CONFERENCE REGISTRATION FEES</b>				
Advanced Trial Skills Training	0.00	1,500.00	-1,500.00	0.0%
Basic Prosecutor	1,050.00	1,875.00	-825.00	56.0%
Civil Conference	1,350.00	3,750.00	-2,400.00	36.0%
Domestic Violence	0.00	0.00	0.00	0.0%
Fall Conference	5,325.00	7,125.00	-1,800.00	74.7%
Sexual Assault Conf	0.00	0.00	0.00	0.0%
Spring Conference	150.00	24,375.00	-24,225.00	0.6%
Train the Trainer	0.00	0.00	0.00	0.0%
UMPA	2,775.00	3,000.00	-225.00	92.5%
<b>CONFERENCE REGISTRATION FEES - Other</b>	75.00			25.8%
<b>Total CONFERENCE REGISTRATION FEES</b>	10,725.00	41,625.00	-30,900.00	
<b>EXPENSE REIMBURSEMENTS</b>				
John R Justice Grant	0.00	32,521.00	-32,521.00	0.0%
Reimb from SWAP for Civil Conf	0.00	16,000.00	-16,000.00	0.0%
Staff Atty DV & SVRP				
VAWA grant for DV RP	0.00	37,417.22	-37,417.22	0.0%
VAWA grant for SVRP	0.00	77,647.00	-77,647.00	0.0%
<b>Total Staff Atty DV &amp; SVRP</b>	0.00	115,064.22	-115,064.22	0.0%
Staff Atty Traffic Safety				
DPS Traffic Safety Funds - TSRP	5,188.39	135,163.21	-129,974.82	3.8%
<b>Total Staff Atty Traffic Safety</b>	5,188.39	135,163.21	-129,974.82	3.8%
<b>Total EXPENSE REIMBURSEMENTS</b>	5,188.39	298,748.43	-293,560.04	1.7%
<b>PIMS Income</b>				
PIMS User Fees	0.00	10,000.00	-10,000.00	0.0%
PIMS Income - Other	0.00	0.00	0.00	0.0%
<b>Total PIMS Income</b>	0.00	10,000.00	-10,000.00	0.0%
<b>SCHARGE &amp; NON-LAPSING CARRYOVER</b>				
Non-lapsing carry over	0.00	102,519.00	-102,519.00	0.0%
Surcharge Receipts	82,500.44	578,891.00	-496,390.56	14.3%
<b>Total SCHARGE &amp; NON-LAPSING CARRYOVER</b>	82,500.44	681,410.00	-598,909.56	12.1%
<b>Total Income</b>	98,413.83	1,031,783.43	-933,369.60	9.5%
<b>Expense</b>				
<b>ADMINISTRATIVE FEES</b>				
Administrative fee to AG	0.00	15,000.00	-15,000.00	0.0%
Building OS&M	0.00	3,600.00	-3,600.00	0.0%
DB Purc (West Law)	0.00	16,000.00	-16,000.00	0.0%
Ins & Bonds	0.00	12,000.00	-12,000.00	0.0%
<b>Total ADMINISTRATIVE FEES</b>	0.00	46,600.00	-46,600.00	0.0%
<b>Conferences</b>				
Advanced Trial Skills Training	163.67	0.00	163.67	100.0%
catering	0.00	0.00	0.00	0.0%
facilities charge	0.00	0.00	0.00	0.0%
lodging	0.00	0.00	0.00	0.0%
MCLE fee	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage	41.38	0.00	41.38	100.0%
<b>Advanced Trial Skills Training - Other</b>	0.00	6,000.00	-6,000.00	0.0%
<b>Total Advanced Trial Skills Training</b>	205.05	6,000.00	-5,794.95	3.4%

# Utah Prosecution Council

## Comparison Report - Budget vs. Actual

July 2016 through June 2017

	Jul '16 - Jun 17	Budget	\$ Over Budget	% of Budget
Basic Prosecutor Course				
catering	1,988.13	0.00	1,988.13	100.0%
meals	1,445.70			
mileage	1,939.71	0.00	1,939.71	100.0%
printing	236.68			
Basic Prosecutor Course - Other	0.00	18,500.00	-18,500.00	0.0%
Total Basic Prosecutor Course	5,610.22	18,500.00	-12,889.78	30.3%
Civil Training Conference				
catering	0.00	0.00	0.00	0.0%
MCLE fee	0.00	0.00	0.00	0.0%
mileage	0.00	0.00	0.00	0.0%
Civil Training Conference - Other	0.00	16,000.00	-16,000.00	0.0%
Total Civil Training Conference	0.00	16,000.00	-16,000.00	0.0%
Conference Materials				
Handouts, Materials, SWAG	0.00	2,000.00	-2,000.00	0.0%
Utah Travel Council Calendars	0.00	1,300.00	-1,300.00	0.0%
Total Conference Materials	0.00	3,300.00	-3,300.00	0.0%
Domestic Violence				
catering	0.00	0.00	0.00	0.0%
Domestic Violence - Other	0.00	0.00	0.00	0.0%
Total Domestic Violence	0.00	0.00	0.00	0.0%
Executive				
air fare	0.00	0.00	0.00	0.0%
lodging	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage	0.00	0.00	0.00	0.0%
miscellaneous	0.00	0.00	0.00	0.0%
Executive - Other	0.00	0.00	0.00	0.0%
Total Executive	0.00	1,500.00	-1,500.00	0.0%
Fall Conference				
printing	236.67			
Fall Conference - Other	0.00	26,000.00	-26,000.00	0.0%
Total Fall Conference	236.67	26,000.00	-25,763.33	0.9%
Regional Training				
Legislative Update				
facilities charge	0.00	0.00	0.00	0.0%
lodging	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage	0.00	0.00	0.00	0.0%
printing	0.00	0.00	0.00	0.0%
Legislative Update - Other	0.00	2,500.00	-2,500.00	0.0%
Total Legislative Update	0.00	2,500.00	-2,500.00	0.0%
Total Regional Training	0.00	2,500.00	-2,500.00	0.0%
Sexual Assault Conf				
catering	0.00	0.00	0.00	0.0%
facilities charge	0.00	0.00	0.00	0.0%
honoraria	0.00	0.00	0.00	0.0%
lodging	0.00	0.00	0.00	0.0%
MCLE fee	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage	0.00	0.00	0.00	0.0%
printing	0.00	0.00	0.00	0.0%
Total Sexual Assault Conf	0.00	0.00	0.00	0.0%

1:34 PM

09/30/16

Cash Basis

# Utah Prosecution Council Comparison Report - Budget vs. Actual July 2016 through June 2017

	Jul '16 - Jun 17	Budget	\$ Over Budget	% of Budget
Spring Conference				
audio-visual	0.00	0.00	0.00	0.0%
catering	0.00	0.00	0.00	0.0%
honoraria	0.00	0.00	0.00	0.0%
lodging	0.00	0.00	0.00	0.0%
MCLE fee	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage	0.00	0.00	0.00	0.0%
printing	0.00	0.00	0.00	0.0%
Spring Conference - Other	0.00	26,000.00	-26,000.00	0.0%
<b>Total Spring Conference</b>	<b>0.00</b>	<b>26,000.00</b>	<b>-26,000.00</b>	<b>0.0%</b>
Staff Attorney Training				
SV/DVRP Training Materials	153.04	2,000.00	-1,846.96	7.7%
SV/DVRP workshops				
lodging	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage/car rental	0.00	0.00	0.00	0.0%
miscellaneous	0.00	0.00	0.00	0.0%
<b>Total SV/DVRP workshops</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
SVRP Training beg Jan 2012				
audio/visual	0.00	0.00	0.00	0.0%
<b>Total SVRP Training beg Jan 2012</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.0%</b>
TSRP Training				
lodging	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage/car rental	0.00	0.00	0.00	0.0%
miscellaneous	50.72	0.00	50.72	100.0%
printing	0.00	0.00	0.00	0.0%
TSRP Training - Other	0.00	13,500.00	-13,500.00	0.0%
<b>Total TSRP Training</b>	<b>50.72</b>	<b>13,500.00</b>	<b>-13,449.28</b>	<b>0.4%</b>
Staff Attorney Training - Other				
audio/visual	0.00	0.00	0.00	0.0%
<b>Total Staff Attorney Training - Other</b>	<b>203.76</b>	<b>15,500.00</b>	<b>-15,296.24</b>	<b>1.3%</b>
Train the Trainers				
UMPA Summer Conf	0.00	0.00	0.00	0.0%
audio-visual	39.99			
catering	2,050.00	0.00	2,050.00	100.0%
lodging	2,220.75			
meals	630.00			
mileage	2,453.21	0.00	2,453.21	100.0%
miscellaneous	106.07			
printing	236.68	0.00	236.68	100.0%
UMPA Summer Conf - Other	0.00	6,500.00	-6,500.00	0.0%
<b>Total UMPA Summer Conf</b>	<b>7,736.70</b>	<b>6,500.00</b>	<b>1,236.70</b>	<b>119.0%</b>
UPAA				
audio/visual	0.00	12,000.00	-12,000.00	0.0%
<b>Total UPAA</b>	<b>0.00</b>	<b>12,000.00</b>	<b>-12,000.00</b>	<b>0.0%</b>
<b>Total Conferences</b>	<b>13,992.40</b>	<b>133,800.00</b>	<b>-119,807.60</b>	<b>10.5%</b>
COUNCIL AND COMMITTEE MEETINGS				
Council and other committees				
catering	933.06	0.00	933.06	100.0%
lodging	99.86	0.00	99.86	100.0%
meals	0.00	0.00	0.00	0.0%
mileage	0.00	0.00	0.00	0.0%
Council and other committees - Other	0.00	6,500.00	-6,500.00	0.0%
<b>Total Council and other committees</b>	<b>1,032.92</b>	<b>6,500.00</b>	<b>-5,467.08</b>	<b>15.9%</b>



# Utah Prosecution Council Comparison Report - Budget vs. Actual July 2016 through June 2017

	Jul '16 - Jun 17	Budget	\$ Over Budget	% of Budget
Training Committee				
catering	0.00	0.00	0.00	0.0%
lodging	0.00	0.00	0.00	0.0%
meals	0.00	0.00	0.00	0.0%
mileage	0.00	0.00	0.00	0.0%
Training Committee - Other	0.00	8,300.00	-8,300.00	0.0%
Total Training Committee	0.00	8,300.00	-8,300.00	0.0%
Total COUNCIL AND COMMITTEE MEETINGS	1,032.92	14,800.00	-13,767.08	7.0%
CURRENT EXPENSES				
Annual MCLE Fee	0.00	2,000.00	-2,000.00	0.0%
Donations UT Cncl Victims Crime	0.00	1,000.00	-1,000.00	0.0%
Dues & Memberships	1,685.00	2,000.00	-315.00	84.3%
Equipment/Supplies-not Data Pro	0.00	0.00	0.00	0.0%
IT Hardware and software requirements for UPC.)				
Hardware	173.09	3,000.00	-2,826.91	5.8%
Network Services	270.19	4,800.00	-4,529.81	5.6%
Software	1,083.22	2,000.00	-916.78	54.2%
UPC Website	181.89	1,100.00	-918.11	16.5%
Total IT (Hardware and software requirements for UPC.)	1,708.39	10,900.00	-9,191.61	15.7%
LEQJ Training	0.00	2,000.00	-2,000.00	0.0%
Library & Subscriptions	2,075.00	3,400.00	-1,325.00	61.0%
Miscellaneous	409.91	3,000.00	-2,590.09	13.7%
Miscellaneous Motor Pool	0.00	0.00	0.00	0.0%
Postage	24.57	700.00	-675.43	3.5%
Telephone	1,147.70	6,000.00	-4,852.30	19.1%
Total CURRENT EXPENSES	7,050.57	31,000.00	-23,949.43	22.7%
DATA MANAGEMENT - PIMS PROGRAM				
PIMS committees				
UPC Technology Committee				
Catering	0.00	0.00	0.00	0.0%
Mileage	0.00	0.00	0.00	0.0%
Total UPC Technology Committee	0.00	0.00	0.00	0.0%
PIMS committees - Other				
Total PIMS committees	0.00	0.00	0.00	0.0%
PIMS Programming & Testing				
Phase II				
Court Integration (e-filing)	0.00	0.00	0.00	0.0%
Phase II - Other	0.00	0.00	0.00	0.0%
Total Phase II	0.00	0.00	0.00	0.0%
Phase III				
PIMS modifications/improvements				
Total PIMS Programming & Testing	0.00	0.00	0.00	0.0%
PIMS Support & Installation				
Maintenance / Installation				
Lodging	0.00	500.00	-500.00	0.0%
Meals	0.00	300.00	-300.00	0.0%
mileage	0.00	250.00	-250.00	0.0%
Total Maintenance / Installation	0.00	1,050.00	-1,050.00	0.0%
Server hosting charges	383.56	2,210.00	-1,826.44	17.4%
Software	0.00	0.00	0.00	0.0%
Total PIMS Support & Installation	383.56	3,260.00	-2,876.44	11.8%
Total DATA MANAGEMENT - PIMS PROGRAM	383.56	3,260.00	-2,876.44	11.8%

# Utah Prosecution Council Comparison Report - Budget vs. Actual July 2016 through June 2017

	Jul '16 - Jun 17	Budget	\$ Over Budget	% of Budget
John R Justice Grant	0.00	32,521.00	-32,521.00	0.0%
OUT-OF-STATE TRAVEL				
NAJIS				
Board Meeting	0.00	1,600.00	-1,600.00	0.0%
Summer Conference	595.00	2,100.00	-1,505.00	28.3%
Total NAJIS	595.00	3,700.00	-3,105.00	16.1%
NAPC				
NAPC Leadership Meeting	0.00	2,500.00	-2,500.00	0.0%
NAPC Summer mtg	5,686.34	5,500.00	186.34	103.4%
NAPC Winter mtg	0.00	5,500.00	-5,500.00	0.0%
NAPC - Other	500.00			
Total NAPC	6,186.34	13,500.00	-7,313.66	45.8%
NDAA CONFERENCE	0.00	3,000.00	-3,000.00	0.0%
TSRP Out-of-State Travel	0.00	1,100.00	-1,100.00	0.0%
TSRP Out-of-State Travel	1,796.41	2,000.00	-203.59	89.8%
Total OUT-OF-STATE TRAVEL	8,577.75	23,300.00	-14,722.25	36.8%
PERSONNEL SERVICES				
Director				
base salary	12,563.60	106,662.40	-94,098.80	11.8%
benefits	6,744.90	57,333.48	-50,588.58	11.8%
Total Director	19,308.50	163,995.88	-144,687.38	11.8%
Incentive Award	0.00	7,500.00	-7,500.00	0.0%
IT Director				
base salary	10,037.52	78,249.60	-68,212.08	12.8%
benefits	5,021.72	42,107.15	-37,085.43	11.9%
Total IT Director	15,059.24	120,356.75	-105,297.51	12.5%
Law Clerk I				
base salary	2,654.37	14,872.00	-12,217.63	17.8%
benefits	224.29	1,256.68	-1,032.39	17.8%
Total Law Clerk I	2,878.66	16,128.68	-13,250.02	17.8%
Staff Attorney - DV & SVRP				
base salary	12,296.82	108,284.80	-95,985.98	11.4%
benefits	6,157.46	57,956.45	-51,800.99	10.6%
Total Staff Attorney - DV & SVRP	18,456.28	166,243.25	-147,786.97	11.1%
Staff Attorney - Traffic Safety				
base salary	9,120.00	79,040.00	-69,920.00	11.5%
benefits	5,373.93	46,696.21	-41,322.28	11.5%
Total Staff Attorney - Traffic Safety	14,493.93	125,736.21	-111,242.28	11.5%
Training Coordinator				
base salary	8,277.90	69,992.00	-61,714.10	11.8%
benefits	5,091.00	43,211.83	-38,120.83	11.8%
Total Training Coordinator	13,368.90	113,203.83	-99,834.93	11.8%
Total PERSONNEL SERVICES	83,565.51	713,164.60	-629,599.09	11.7%
UNUSUAL PROSECUTION EXPENSES	0.00	0.00	0.00	0.0%
UPAA APPROPRIATION	0.00	12,000.00	-12,000.00	0.0%
UPPAC	0.00	1,000.00	-1,000.00	0.0%
Total Expense	114,602.71	1,011,445.60	-896,842.89	11.3%
Net Income	-16,188.88	20,337.83	-36,526.71	-79.6%

***Tab F***

Donna Kelly, SA/DV Resource Prosecutor  
Report to the Utah Prosecution Council  
Third Quarter - July through September 2016

Training	Training Event	Attendees
7/13/2016	Beaver County DV & SA topics (4 hours total)	24 LEO; 3 pros; 1 judge
7/19/2016	POST – DV 101 for LEO	28 LEO
7/26/2016	POST – DV 101 for LEO	32 LEO
8/3/2016	UMPA annual conference DV toolkit (30 minutes) Herrera case study (30 minutes) Lethality Assessment (90 minutes)	38 pros; 4 VAs; in three sessions
8/14/2016 to 8/19/2016	Basic Prosecutor Course Faculty member and presenter Taught: Witness Preparation 60 minutes; DV 101 for Prosecutors 2 hours	20 pros
8/23/2016	Trauma Response & Victim Interviews Washington County (4 hours total)	24 LEO; 2 VA; 2 SANE
8/24/2016	Lethality Assessment – 90 minutes (San Juan County)	23 LEO; 4 VAs; 1 pros
9/8/2016	Weber County DV Conference Trauma Response & Victim Interviews (4 hours total)	24 LEA; 12 VAs; 1 pros
9/12/2016	Joining Forces Conference (DV & CA) Herrera Case study (90 minutes)	4 LEO; 3 pros; 27 VAs
9/18/2016	National Crime Victims Conference Philadelphia – 3 hours total Trauma Response & Victim interviews	42 first session; 34 second session

Total Attendees: 437

I am in the process of working on a collaborative project with POST and DPS to put together training for law enforcement for the investigation of sexual assault cases. There is a huge void of training for officers handling these difficult cases. As a first step, we held a roundtable meeting

with 20 officers from around the state. Their input was invaluable to the development of this specialized training. We asked each officer there to share what training their officers get when they are assigned to investigate sexual assault cases. The answer was universal and startling: NONE. One officer described it this way: "They just point and tell you 'There's your desk.'" We have designed a one-hour training for first responding officers, which will be filmed in October. This one-hour training will serve two purposes: it will be on the POST site available to officers to view at any time, and it will be a prerequisite for officers who will be attending our investigation course once it is developed and offered. The first course will be held at POST in 2017.

I continue to work on educating criminal justice professionals about Lethality Assessment. I have been to most venues in the state now, and in early October I will be presenting a one-hour training to the District Court judges in Utah at their annual conference.

I am in the early planning stages for a training co-sponsored with the Salt Lake DA's office on using expert witnesses in DV and SA cases. The two-day training is set for February 23 and 24, 2017. This is a much-needed training, both for prosecutors to understand how to use these witnesses, and for prosecutors to begin developing a pool of capable experts in their venues who are qualified to testify on DV and SA.

I am finishing the final draft of the article about trauma informed response to be submitted to the Utah Criminal Law Journal. If accepted, the article will be published in the fall 2016 edition. The article will briefly described the science of neurobiology of trauma and then how this science translates to the criminal justice system. The results of our one-year pilot program in West Valley City will be shared in the article.

I am beginning work on updating the DV 101 manual and the Sexual Assault Manuals. I expect to be distributing the DV 101 manual soon and the Sexual Assault Manual early in 2017.

***Tab G***

## July-September 2016 TSRP Report

### Trainings Attended/Conducted:

- July 11-13, 2016 – NAPC Summer Meeting, Philadelphia, PA
- August 4-5, 2016 – UMPA Annual Conference, Bryce Canyon, UT
- August 13-15, 2016 – IACP DRE Conference, Denver, CO
- August 15- 19, 2016 - Utah Basic Prosecutor Course, Logan, UT
  - Presented 8/17: Combating Common DUI Defenses
  - **1 hour instruction. 20 new prosecutor attendees, with 7 additional presenters/faculty trained. 27 total participants.**
- September 7, 2016 – Marijuana: The New Frontier of Impaired Driving, Moab, UT
  - Coordinated training with Jason Marshall, state DRE Coordinator
  - **29 Law Enforcement and 3 Prosecutor representatives for 32 total**
  - **3.5 hours instruction**
- September 14, 2016 – Combating Common DUI Defenses, Layton, UT
  - **7 Prosecutors**
  - **1.5 hours instruction**
- September 15, 2016 – Seated Battery SFST Training, Sandy, UT
- September 23, 2016 – Combating Common DUI Defenses, Sandy, UT
  - Trained Cowdell & Woolley Firm
  - **10 prosecutors trained**
  - **2 hours instruction**

### Upcoming Trainings:

- October 5-7, 2016 – UPC Fall Prosecutor's Conference, Vernal, UT
- October 10, 2016 – Marijuana: The New Frontier of Impaired Driving, Ogden, UT
- October 11, 2016 – Marijuana: The New Frontier of Impaired Driving, Orem, UT
- October 12, 2016 – Marijuana: The New Frontier of Impaired Driving, Davis County, UT
- October 13, 2016 – Marijuana: The New Frontier of Impaired Driving, Salt Lake City, UT
- November 16, 2016 – Advanced Roadside Impaired Driving Enforcement (ARIDE), Payson, UT

### Current Projects:

- Creating a “Winning the DL Hearing” training for law enforcement
- Continuing to update Utah TSRP Training Curriculum

**Meetings Attended:**

- July 18, 2016 – DLD Training Planning meeting, Taylorsville, UT
- July 18, 2016 – UHSO Marijuana Research Evaluation meeting, SLC, UT
- July 19, 2016 – Attorney General, Justice Division Meeting, SLC, UT
- August 2, 2016 – UHSO Labor Day Media Event Concepts meeting, SLC, UT
- August 11, 2016 – Prosecutor Interviews, Clearfield, UT
- August 16, 2016 – UHSO BAC Per Se Limit meeting, SLC, UT
- August 22, 2016 – SWAP-LAC meeting, SLC, UT
- August 23, 2016 – Maryland Interlock Law Legislative Conference Call, SLC, UT
- September 6, 2016 – Multi-Agency Taskforce Meeting, Orem, UT
- September 6, 2016 – USAAV DUI Committee Meeting, SLC, UT
- September 8, 2016 – Multi-Agency Taskforce Meeting, SLC, UT
- September 12, 2016 – SWAP-LAC Meeting, SLC, UT
- September 13, 2016 – Alcohol and Drug Fee Committee Meeting, Sandy, UT
- September 19, 2016 – Case Consultation for DUI expert, Park City, UT
- September 19, 2016 – DUI Sentencing Practices meeting, SLC, UT
- September 21, 2016 – Judiciary Interim Committee meeting, SLC, UT
- September 27, 2016 – UPC Staff Meeting, SLC, UT
- September 28, 2016 – DUI Sentencing Practices meeting, SLC, UT

**Other Notables:**

- Created “Combating Common DUI Defenses” outline and training for prosecutors
- Created joint “Marijuana: The New Frontier of Impaired Driving” training for law enforcement and prosecutors with Trooper Jason Marshall, State DRE Coordinator.
- Coordinated TSRP counterpart from Colorado to come and train misdemeanor prosecutors about issues facing prosecutors in a state that allows recreational marijuana use.
- Coordinated for state DRE coordinator to come and present to misdemeanor prosecutors about detecting marijuana impairment.
- Coordinated for state chief forensic toxicologist to come and train misdemeanor prosecutors on procedures and protocols for THC testing in the state toxicology lab.
- Researched pros and cons of reducing per se BAC level to .05
- Worked with Idaho TSRP on SFST Review Handout supplement to the updated 2015 NHTSA SFST Manuals, making it Utah specific, and published to Utah prosecutors and law enforcement.



**Technical Assistance Provided:**

<b>MONTH</b>	<b>TECHNICAL ASSISTANCE</b>	<b>TRAINING PROVIDED</b>	<b>NUMBER OF PARTICIPANTS</b>	<b>CLASS HOURS</b>
<b>October 2015</b>	N/A	N/A	N/A	N/A
<b>November</b>	N/A	N/A	N/A	N/A
<b>December</b>	N/A	N/A	N/A	N/A
<b>January 2016</b>	8	0	0	0
<b>February</b>	8	0	0	0
<b>March</b>	19	2	31	2.5
<b>April</b>	20	4	78	6
<b>May</b>	34	4	137	6
<b>June</b>	34	9	226	11
<b>July</b>	29	0	0	0
<b>August</b>	52	1	27	1
<b>September*</b>	31	3	49	7
<b>TOTALS</b>	<b>235</b>	<b>23</b>	<b>508</b>	<b>33.5</b>

\*Through September 27, 2016.